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ECONOMIC AND ENVIRONMENTAL QUESTIONS: SUSTAINABLE DEVELOPMENT

Periodicity of amendments to the Recommendations on the Transport of Dangerous Goods

Note by the Secretary-General

1. Reference is made to the letter dated 21 July 1995 from the Secretary-General of the International Maritime Organization to the Secretary-General of the United Nations (E/1996/15) and to the letter dated 29 April 1996 from the Director-General of the International Air Transport Association to the Secretary-General (E/1996/63) concerning the periodicity of amendments to the Recommendations on the Transport of Dangerous Goods.

2. This question was discussed by the Committee of Experts on the Transport of Dangerous Goods at its eighteenth session (Geneva, 28 November-7 December 1994). The discussion was reflected in paragraphs 159 to 162 and 167 to 173 of the report of the Committee (ST/SG/AC.10/21), which are reproduced in the annex below.

3. The question will be discussed again at the next session of the Committee (2-11 December 1996) on the basis of a proposal made by the expert from Germany, which is referred to as informal document INF.45 in paragraph 167 of the above-mentioned report and which has now been issued as an official document (ST/SG/AC.10/R.501).

4. The Recommendations of the Committee of Experts on the Transport of Dangerous Goods on this matter, together with the report of the Secretary-General on the work of the Committee, will be submitted to the Economic and Social Council at its substantive session of 1997 (see Council decision 1996/204 on the basic programme of work of the Economic and Social Council for 1997).

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Annex

EXTRACT FROM THE REPORT OF THE COMMITTEE OF EXPERTS ON THE TRANSPORT OF DANGEROUS GOODS ON ITS EIGHTEENTH SESSION (ST/SG/AC.10/21)

159. The representatives of IMO and OCTI mentioned the difficulties experienced by their organizations every two years in updating the instruments for which they were responsible. Those difficulties were related to the considerable work involved in adapting the instruments to the new Recommendations, the need to translate the new texts into several languages, and the difficulty of ensuring the effective implementation of regulations which were too frequently amended, particularly in developing countries.

160. The representatives of IATA and of ICAO, however, said that they wished to keep the present two-year period so as to be able to reflect consignors' requirements and technical progress in the regulations. They stressed that approximately four years of procedures were currently required in the relevant United Nations bodies or organizations for a solution to a problem raised by industry to be reflected in the regulations and that a longer cycle could lead to a tendency to circumvent the regulations. The representative of ICAO further suggested that a contributing factor to difficulties encountered by other modes in maintaining a two-year cycle was the format of the regulations as ICAO successfully followed a biennium cycle.

161. In view of the improvement in harmonization between modal regulations based on the Recommendations, several experts expressed their support for the less frequent publication of the Recommendations; however, a procedure should be introduced for amendments related to urgent requirements of industry or particular instances requiring a rapid response. The Committee agreed to revert to the question during the discussion of item 8 (Publication of the revised Recommendations) (see para. 167) and in accordance with the decisions to be taken regarding the programme of work.

162. The representative of IRU suggested that, in order to improve harmonization, it would be useful to establish a recommended date for implementing new amendments which would appear in the resolution of the Economic and Social Council.

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167. Referring to the discussion of the periodicity of amendments to the Recommendations (see paras. 159 to 161), the expert from Germany proposed (INF.45) that completely revised editions of the Recommendations after the 9th revised edition would be published every four years only, that a procedure for small-scale amendments to be adopted every two years should be established, and that no amendment to the Manual of Tests and Criteria should be adopted until the 1998 session of the Committee.

168. The representative from IMO indicated that IMO could agree to the time-scales for amendments proposed by Germany in INF.45 since the IMO Maritime

Safety Committee had already approved the time periods for amendments to the IMDG Code. She expressed the view that with the introduction of new technology, smaller amendments on a two-year cycle would be easier to produce as an interim solution, leaving larger amendments for four years. She drew attention to the fact that when IMO raised this issue within the Committee two years ago, it was because IMO member Governments had expressed difficulties in implementing frequent amendments to the Code and often had to grant transitional periods before an amendment could be fully implemented. This had raised the question of what was the purpose of introducing frequent amendments if they could not be implemented.

169. Recognizing that all member Governments present in this Committee are also represented in IMO, the IMO representative expressed concern that problems arise when Governments express different views in a different form. She suggested that such differences should be resolved on a national level to enable Governments to present a coordinated view in all forms. The representative from OCTI expressed the same concerns.

170. The Committee noted that, if the possibility of small-scale amendments every two years is retained, it is more convenient for the United Nations publication section to sell, at least in English and French, a consolidated edition rather than to reprint the older edition and to sell it with a set of amendments published separately.

171. No decision could be made on this subject of periodicity of amendments. The difficulty experienced by international organizations and Governments to update their respective instruments was recognized, but it was recalled that the Recommendations have been developed and are kept up to date in the light of technical progress, the advent of new substances and articles and the exigencies of modern transport systems, and therefore there would be a risk for the Recommendations to become obsolete or not adapted to the technical progress if a four-year interval period was adopted.

172. The expert from the United States of America said that Governments or international organizations may decide on the implementation date and that modal organizations should provide reasonable implementation schedules. He also felt that the industry should be allowed to use the new recommendations on a voluntary basis in the interim period. He also expected fewer amendments in the forthcoming period of global harmonization and restructuring.

173. The expert from Germany requested that his proposal in INF.45 should be formally circulated as an official document for discussion in the next biennium and reiterated his views that neither the Recommendations nor the Manual of Tests and Criteria should be amended until the 1998 session of the Committee.